



NCTA

NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION

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November 3, 2005

Ms. Donna Gregg
Chief, Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: WC Docket No. 04-36 ("IP-Enabled Services")

Dear Ms. Gregg:

On July 29, 2005, on behalf of the National Cable & Telecommunications Association ("NCTA"), I sent you a Legal Memorandum detailing the reasons why the IP video services proposed by SBC and other telephone companies are subject to Title VI of the Communications Act. That Memorandum demonstrated that IP video services proposed by those companies are Title VI-defined "cable services" and the facilities they propose to use are Title VI-defined "cable systems," making them "cable operators" subject to Title VI's regulatory scheme.

On September 14, 2005, SBC submitted a document in this docket entitled "The Impact and Legal Propriety of Applying Cable Franchise Regulation to IP-Enabled Video Services." That document purported to show that the IP video services to be offered by SBC "will not be 'cable services' provided over a 'cable network' [sic] as those terms are defined in Title VI."

On November 1, 2005, NCTA submitted a Response to the SBC paper which demonstrates once again that SBC's proposed IP video services will be Title VI "cable services" delivered over a Title VI "cable system." I am attaching that Response for your information.

If you have any questions about this submission, please contact me.

Sincerely,

/s/ Neal M. Goldberg

Neal M. Goldberg

Attachment

cc: Marlene H. Dortch (for inclusion in WC Docket No. 04-36)
Deborah Klein
Bill Johnson



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